

RULES AND OPEN GOVERNMENT COMMITTEE

Meeting Report
September 5, 2007

PRESENT: Mayor Reed, Vice Mayor Cortese, Councilmembers Constant and Nguyen

ABSENT: Councilmember Chirco

STAFF: City Attorney Rick Doyle, City Clerk Lee Price, City Manager Debra Figone, Redevelopment Agency Assistant Director Norberto Duenas, Redevelopment Agency Assistant Director Gary Miskimon, Deputy City Manager Deanna Santana, Agenda Manager Nadine Nader, and Mayor Council Agenda Manager Alicia Bosco.

A. City Council

1. Review September 11, 2007 Final Agenda

- **Approval of compensation package for interim City Auditor**

Document Filed: Memorandum from Mayor Reed dated August 30, 2007 recommending appointment of Steve Hendrickson as Interim City Auditor, authorizing the City Clerk to execute an agreement, and authorizing the Mayor to retain a search firm for recruitment of a new City Auditor.

Action: The Committee approved the compensation package for the interim City Auditor and approved the following additions to the September 11, 2007 Council Agenda:

- Presentation of an award to Linda Crabill, Community Relations Manager for the City of San José's Department of Transportation (City Manager's Office/Transportation)
- Presentation of commendations to four recipients of the 2007 HACE Scholarships (Campos)
- Presentation of a proclamation in celebration of Mexican Independence Day on September 16, 2007 (Campos)
- Presentation of a commendation to Grainger Corporation for their contributions to the community and economic vitality of the City of San José (Mayor/Chu)
- Item 2.8(b) (Adoption of Appropriation Ordinance and Funding Sources Resolution Amendments in the General Fund) deferred until October

2. Review of September 18, 2007 Draft Agenda

Action: The Committee approved the following additions to the September 18, 2007 Council Agenda:

- Presentation of a proclamation declaring September 21, 2007 as the “International Day of Peace” (Cortese)
- Approval of actions related to the Clean Air Parking Permit Program (Constant)
- Item 8.1 (Independent Police Auditor) not to be heard before 3:30 p.m. (City Attorney)
- Item 8.2 (Civil Grand Jury’s Report entitled “Police Misconduct May Be Underreported”) not to be heard before 3:30 p.m. (City Manager/City Attorney/Independent Police Auditor)

B. Redevelopment Agency

1. Review September 11, 2007 Final Agenda

Action: The Committee approved the following additions to the September 11, 2007 Redevelopment Agenda:

- Item 7.1 (Façade Improvement Program Agreement for St. Clair Hotel) deferred to October 23, 2007

2. Review September 18, 2007 Draft Agenda

There were no additions.

3. Assign “Time Certain” for convening Redevelopment Agency Agenda

There were none.

C. Legislative Update

1. State

- (a) **SB 732 (Steinberg) – Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006**

Document Filed: Memorandum from Planning Director Joseph Horwedel dated August 29, 2007 recommending opposition to SB 732.

Action: The Committee approved the recommendation with a one-week turn around for Mayor and City Council review.

2. Federal

None

D. Meeting Schedules

There were none.

E. The Public Record

Document Filed: Memorandum from Lee Price, City Clerk, dated August 30, 2007 transmitting the Public Record for the week of August 23 - 30, 2007.

Action: The Committee noted and filed the Public Record

F. Appointments to Boards, Commissions and Committees
None.

G. Rules Committee Reviews, Recommendations and Approvals

1. Proposal for a citywide inclusionary transit-oriented housing policy

Document Filed: Joint memorandum from Councilmembers Liccardo, Campos, Chirco and Nguyen dated August 23, 2007 directing staff to prepare a workplan assessment and return to the Community and Economic Development Committee and Transportation and Environment Committee with an analysis of three options for increasing San Jose's supply of affordable housing.

Councilmember Liccardo spoke to the merits of his proposal. He suggested that community outreach be done, that staff do an analysis, and go through the Committee process. Director of Housing Leslye Krutko responded to questions, explained staff is geared up for the analysis and added that staff could return with a workload assessment in two weeks. Discussion ensued.

Public Comment:

- Speaking in support of the proposal submitted by Councilmembers Liccardo, Campos, Chirco and Nguyen: Vivian Mirando, District 8 resident/PACT; James Zahradka, Law Foundation of Silicon Valley; Scott Strickland, South Bay Labor Council; Sual Wachtea, Affordable Housing Network of Santa Clara County; Hilbert Morales, publisher of El Observador; Shyla Ballard, Silicon Valley Leadership Group; Michelle Beasely, Greenbelt Alliance; Tom Fink, Chair of the Housing and Community Advisory Commission; Bonnie Mace; and Kerri Hamilton; CCEG.
- Speaking in opposition to the proposal and in support of referring the matter to the General Plan Update process: Pat Dando, San José Silicon Valley Chamber of Commerce; Joshua Howard, California Apartment Association Tri-County Division; Beverly Bryan, Homebuilders Association; and Mark Triseni, KB Properties.

Action: Staff to come back to the Committee in two weeks with a workload assessment relating to the three options proposed in the joint memo.

2. Authorization to Travel

Document Filed: Memorandum from Councilmember Chirco dated August 27, 2007 requesting authorization to travel to Sacramento, CA on September 5-7, 2007 for the League of California Cities Annual Conference

Action: The Committee approved the travel request.

3. Urgency Ordinance regarding dead or dying tree replacements

Document Filed: Memorandum from Transportation Director James R. Helmer dated August 30, 2007 not recommending an Urgency Ordinance to eliminate the protest waiting period before removal of a Tulip Tree.

Councilmember Constant argued in favor of a process that would allow the City Arborist to determine if a tree is sick and approve the removal of the tree in a timely manner, instead of going through the City's current process. Department of Transportation Director Jim Helmer stated there was no need to have an urgency ordinance because the municipal code already authorizes the City Arborist to speed up the process of removing a sick and dying tree. He added that the department has scheduled four community meetings in September regarding the dead or dying tree removal policy and that staff is scheduled to go to Council in November to report out findings. City Arborist Ralph Mize responded to questions. Staff agreed to meet with Councilmember Constant regarding the Tulip tree issue.

Action: 1) Staff agreed to meet with Councilmember Constant regarding the Tulip tree issue in District 1; and 2) Staff will report out after the community meetings to receive public input on the City's tree policies and procedures by presenting information first to the Transportation and Environment Committee, and then the full Council in November.

4. City Auditor's 2007-08 Workplan

Document Filed: Memorandum from Gerald Silva dated August 23, 2007 recommending adding assignments on the City Auditor's 2007-08 Audit Workplan

Action: This item was approved.

H. Review of additions to Council Committee Agendas

- 1. Community and Economic Development Committee**
 - 2. Neighborhood Services and Education Committee**
 - 3. Transportation and Environment Committee**
 - 4. Request for Transportation and Environment Committee Workplan**
- None.

I. Open Government Initiatives

- 1. Reed Reforms**
 - 2. Sunshine Reform Task Force**
 - 3. Significant Public Records Act Requests**
 - 4. Council Policy Manual Update**
- None.

J. Open Forum

None.

K. Adjournment

The meeting was adjourned at 3:36 p.m.

Chuck Reed, Mayor
Rules and Open Government Committee